

REMARKS

A new abstract has been added and it is believed that the objection to the abstract should no longer apply. No new matter has been introduced.

Claim 16 has been canceled and therefore the claim objections should no longer apply.

Claim 19 has been amended. No new matter has been introduced. It is believed that the §112 rejection should no longer apply.

With regard to the rejection of Claims 1-8 and 10-19 as being unpatentable over JP 08319527, it is respectfully submitted that the Examiner has not made a prima facie case of obviousness. As set forth in *In re Peterson*, 315 F.3d 1325, 1329-30 (Fed. Cir. 2003), “a prima facie case of obviousness typically exists when the ranges of a claimed composition overlap the ranges disclosed in the prior art.” According to the Examiner, the cited reference does not disclose the cooling rate. The Examiner states that “the cooling rate reads on furnace cooling after aging step” and therefore the cooling rate “would have been inherently possessed by (sic) aging step of cited reference.” It is not clear to Applicant where this information is derived from. If this information is based on the Examiner’s personal knowledge then Applicant respectfully requests that the Examiner submit an Examiner’s Affidavit. In the absence of support for this conclusion reached by the Examiner, Applicant respectfully submits that a prima facie case of obviousness has not been made for at least the reason that there is no disclosure in the references of the cooling rate.

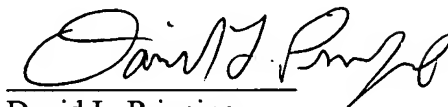
With regard to the rejection of Claim 9, it is believed that a prima facie case of obviousness has not been made for the reasons set forth above in connection with Claims 1-8 and 10-19.

It is believed that all of the issues raised by the Examiner have been addressed herein. If there is anything remaining to be done on the part of Applicant, a telephone call to the

undersigned will expedite a response.

If any additional fee is due, please charge to Deposit Account No. 08-2442.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David L. Principe", written over a horizontal line.

David L. Principe
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